Rankin. Pt-48—28.782—27-11-28.

L S G (1924) Department.

Ordinary SERIES.

G.O. No. 1577 Local

DATED 12-6-24.

[Despatch Abstract.]

Council- Hospet - Chairman informed that his action in having held a meeting of the Council on the same date of adjournment was incorrect.

M.R. Ry.

Rao Bahadur C. H. Goud Garu,

Municipal Councillor, HOSP

10249.

In the office

7/4/24

To

The Honourable Minister

For Local Self Government,

Fort St. George, MADRAS.

Sir,

I herein enclose a copy of the joint petition submitted to the Collector of Bellary by some of the Councillors protesting against the holding of a meeting of the Council by the Chairman of the Hospet Municipality, after it was once adjourned.

As the Collector states that he is unable to see that there is any cause for his interference, I now, on behalf of the other signatories, beg to request you to enquire into the matter and pass orders at an early date.

I have the honour to be

Sir,

Your most obedient servant,

HOSPET.
26-3-1924.

6/3/24

To

The Collector of Bellary,

BELLARY.

Sir,

We, the undersigned, the Councillors of the Hospet Municipality, beg to bring the following facts to your kind consideration.

There has been a difference of opinion between the Chairman of the municipality and several Councillors as to the holding of the monthly meetings on a fixed date in a month to suit the convenience of the Councillors, about which we have nothing to say at present, as the question more or less depends upon the observance of the

But in the mean-time the Chairman sent a notice of the meeting to be held at 7-30 A.M. on the 18-2-24.

But before some of the undersigned members came to the Municipal Office to attend the meeting we were informed that the meeting was adjorned for want of quoram.

Subsequently that the meeting did take place some time after the members came to attend the meeting returned home.

We beg to submit that under Section VII Schedule III of act 5 of 1920 that the meeting once adjorned cannot be held without further notice.

Under the circumstances we request that you will kindly enquire into the matter and cancel the proceedings as ultra versa.

We have the honour to be,

Sir,

Hospet,
25-2-24.

Yourmost obedient servants,

(Sd) C. H. Gowd.

" A. D. Tandu Mudaliar.

" Rindiah. K. 25-2-24.

" M Yesudasaiah.

" G. Kyadigappa.

" Papannah.

" Maktum Saib.

~~Bhadrinarain~~

" M. Venkataswamy.

MUNICIPAL COUNCILLORS.

- True Copy.

CH Gowd
26/2/24

Chowkeg. From Rao Bahadur C. H
Food Cam dy 26/3.

Memo No 10248 Lsup 5/4/24

~~The petitioner is informed that~~

Referred to the C. M
Hospl for Remarks.
Should be submitted
through the Collector

14/4

14.4

DESPATCHED
25 APR 1924

To
The Civil Hospl
(with petn to be returned)

15.4.24.

Sey

O.N.

If only one councillor had moved in the matter Govt need not take any action. In the present case Govt may know what the facts are and whether their interference is necessary

Sd/ 14.4.

257

C.F. 9-24,264-4-4 21. No. 2298 24 1924 B4

DEPARTMENT.

13556

Received 3 MAY 1924 192 . Registered 192

Subject.

Explaining the circumstance under which the ordinary meeting once adjourned was again held.

ENCLOSURES.
(i) Copy of CR 102 | 25-2-24
No. (ii) a resolution
(iii) Enclosure vacated with Government memo under reference
Spare copies

C.R No. 102/24

Station Hosnet. , Dated the 24th April 1924

From (Name) T. R. Ry Dewan Bahdur, T.Kothandram Naidu, garu,

(Designation) Chairman. Municipal Council, Hosnet.

To The Secretary to the Government of Madras,

Local Self Government ---- Department.

MADRAS

Through the Collector of BELLARY.

Sir,

D.No 2298/24-B4

In reply to Government memorandum No. 10249 - 1 Forwarded L & M dated 15-4-24 I have the honour to send herewith a copy of my letter C.R. 102 of 1924 dated 23-2-24 addressed to the Collector. It clearly explains the circumstances under which the meeting was held.

I have the honour to be, sir, Your most obedient Servant.

Collector 28.4.24

Chairman. Municipal Council

Kom 264/24 Keller 24/4/24

Ks. 24-4-24.

24.4.24

3/5

Ref: C.R. No. 102 of 1924.

Municipal Office Hospet.
dated 28th February 1924

From,

Rao Bahadur, T. Kothandaram Naidu, garu,
Chairman Municipal Council
Hospet.

To,

The Collector of

Bellary.

Sir,

I have the honour to return your M.Ref:- C 1209 dated 26-2-24. The so-called complaint of Mr. Tandu Mudliar has a history of its own behind it. It is true that I called a meeting of the Council at 7-30-A.M. No quorum was formed until 8 when I postponed the meeting. Within a few minutes of the postponement three more members turned up. Including them there were seven memebers altogether. Mr. Tandu Mudliar was outside the office premises telling some of the other members not to attend the meeting. Of the members who turned up he was the only one who refused to take part. A meeting was held a few minutes after 8. Fifty papers were on the agenda. Some of them were urgent and could not be postponed. This does not contravene any rule or rules.

2. Mr. Tandu Mudliar was against the holding of a meeting on 1st-2-24. He was for holding it on the last day of that month He sent a requisition dated 13-11-1923 stating that he would move a resolution that the ordinary meetings of the Council should be held on the last day of each month or the previous day if that happens to be a holiday. The requisition was brought to me at 7.P.M. on 14-11-23 and handed over to me hurridly when I was going in the bazar. The very next morning there was a meeting of the Council. I did not place the requisition before it because 7 days time required by G.O. No. 1175 L.M dated 22nd June 1921 was wanting nor was the mover present at that meeting. In the meeting of 1-2-24 Mr. Tandu Mudliar insisted on his resolution being taken up and obstructed business for about 15 minutes. When all the subjects on the agenda were disposed of the resolution in question was brought to the fore again. I and some members objected to its being taken up as it was not on the agenda. I dissolved the meeting and having signed the minutes left the office. The Vice Chairman

Vice-Chairman and some other councillors also went away. After
his departure the remaining councillors under the presidency of
Mr. Rao Bahdur C.Hanumantha Gowd passed for what passes for a
resolution in their opinion a proceeding in the term of
Mr. Tandu Mudliar's resolution. I treated it as an illegal procedding
and paid no attention to it.Mr. Tandu Mudliar was irritated and
would not attend the meeting on 18-2-24.He is a contractor as well
I am getting all public works done departmentally thereby saving
more than 30 percent of the estimated expenditure.Some interested
persons do not like this and try to cause a split in the Council.

3. I send herewith a copy of the proceedings referred to
above passed under the Chairman-ship of Mr. Rao Bahdur C.Hanumanh Gowd.

I have the honour to be,

sir,

Your most obedient Servant

Sd. M.Kothandaram Naidu,

Chairman. M. C. 29-2-24.

(True Copy)

Y. Thirumalaraya Naidu
24/4

Chairman.

Ks.

K.S.
24.4.24.

Copy of the Proceedings passed under the Chairman-ship of Lr. Rao Bahdur, C.Hanumanth Gowd on 21-1-1924.

The Chairman having left the meeting Lr. Tandu Mudliar proposed and Mr. Kristappa seconded, that C.H.Gowd do take the chair. It was carried by majority.

Resolved by majority to discuss the following resolution.

(i) Proposed by Mr. Tandu Mudliar and seconded by Murari Venkata swamy that the ordinary meetings of the Council be held on the last day of every month or if that day falls a holiday or saturday on the previous working day.

Res lved by majority.

Sd. C.H.Gowd.
21-1-24.

Presiding Councillor

(True copy)

Chairman. M. C.

9

L55 Lm

CW 13536

Subject Action of the C.H.C. Hospe in holding a meeting on the same day as adjourning it pursuant of

Under rule 7 of Sch III of the D.M. Act, it would seem that a quorum

[illegible] Chairman's letter [illegible] Herald [illegible] that the adjourned meeting [illegible] subsequently as there were not members present within half an hour of the time appointed for the meeting. If a quorum is not present the meeting shall stand adjourned unless all the members present agree to wait longer before adjourning the meeting, the Chairman should have bowed the sense of the members present. But when he had once formally adjourned it, it was not right for his part to have held the meeting on the same day. The Chairman has purported to defend his action on the basis of the supplemental regulation made by the Central under Clauses (a) & (b) [illegible] of the Act [illegible]

2. A draft order is forwarding him

that the procedure adopted by him was not correct in law? It may issue with the concurrence of Law (Drafting)

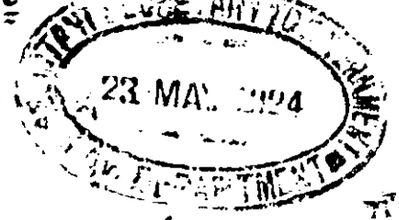
M
4-5-24

Law (Drafting) pls

Law (Drafting) Dept

L.S.G. no. pp. 13556-124
22.5.24

22/5



U.S.

Under Rule 1 of Sch. III, it would seem that the Chairman has no power to adjourn a meeting when there is no quorum. The meeting automatically stands adjourned, unless all the members present agree to wait. The chairman's order of adjournment may therefore be interpreted only as an expression of his individual inability to wait, which it is perfectly open to him to go back upon. In this view, the meeting may be held to be a validly held meeting

KVR
26/5

L. Draft 652
23/5/24

No. it is for the announcement of the fact that the meeting stood automatically adjourned.
27/5/24

Examine further if holding the meeting is merely an irregularity or whether any transactions are illegal & void.
27/5/24

U.S.

No direct authority on the point is available. The law is laid down by Maxwell. Interpretation of Statutes, 6th Edn. pp. 658 to 659. as follows. "On the other hand, where the prescriptions of a statute relate to the performance of a public duty and to invalidate

Not put up

acts done in neglect of them would work general inconvenience or injustice to persons who have no control over those entrusted with the duty, without promoting the essential aims of the legislature, such prescriptions seem to be generally understood as mere instructions for the guidance and government of those on whom the duty is imposed or in other words as directory only." There is no question but that there is 'considerable inconvenience' in holding the proceedings to be void. But the object Sch IV R 7. of the legislature in framing the rule will be defeated unless they are held to be void and ours. the right of a considerable number P. 243, Cf. of members of the Municipality to be present at the meeting has been infringed in this case. If the meeting is not a properly held meeting under the Rules, its proceedings seem to be void.

K.V.R.
2/6

21631

I agree with L.S.G. that the Chairman was not right in having held the meeting after it was once adjourned for want of quorum. I would -- suggest but a slight verbal alteration in the draft. I am also inclined to the view that -- proceedings held at the so-called meeting would be void. In addition to what appears in the above note, I would refer to the statement of law with regard to business transacted at meetings of Directors of Companies (which like Municipalities are corporations) not duly convened, as -

contained in para 380 (pages 236 & 237) & para 409 (pp. 253 & 254) of Halsbury's Laws of England, Vol. V. Notpute p

It is for the administrative department to consider if it is not desirable to call for a statement of the business transacted at the objectionable meeting before final orders are passed on this file.

There will be no difficulty as regards resolutions to which no effect has as yet been given. To some effect may have been given partly and to some fully. There may be difficulty in such cases. But it is better to get full information in respect of the matter as early as possible and to prevent further action in pursuance of resolutions passed.

Draft w 6524
5-6-24

L. S. G 4.6.

LSG 5-6-24

Perhaps the order may issue with the addition now made

16419

GC 1577 Long 12-6-24

Scott. II-1a (a)—48,962—2-2-22.[3]

L. S. G. (Genl) DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied	HR	12/6
When examined		
When signed		
When despatched		

13

READ AGAIN G.O. No. ....., dated ....., 192 .

" " " " ....., " ....., 192 .

READ ALSO;—

C No. ~~13556~~ 10249, From the MER Rao Bahadur C. H Gord Hospet; No , dated 192 .

" " 13552 " " C. M. C Hospet CR. 102/24, 24/4 192/4.

" " [16448] " " ....., " ....., 192 .

ORDER.

No. 1277 Genl, dated 12/6/1924

Secy 12/6

2. The Chairman is requested to report at once the resolutions ~~once~~ if any passed by the ~~Taluk~~ Council on the 18th February 1924 after it stood adjourned and the action taken thereon

The C.M.C Hospet is informed that his action in having held the meeting on 18th Feb 1924 after it stood ~~once~~ ~~stood~~ ~~previously~~ adjourned it for want of a quorum was not correct. His attention is invited to rule 7 of Sch III of the Madras D.M. Act 1920

D... 15 JUL 1924

M 11.5.24 for C.S.M.

To the C.M.C Hospet

Copy to the C.W.C. of Bellary

Yours 22/5